

MINUTES

**CITY OF WARR ACRES
SPECIAL CITY COUNCIL MEETING
THURSDAY
JANUARY 3, 2008
5:30 P.M.**

1. The meeting was called to Order at 5:30 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Vice-Mayor Stewart Shapiro
Councilman Dean Johnson
Councilman Walter Johnson
Councilwoman Jan Blake
Councilman Mike Gossman
Councilwoman Nancy Olson
Councilman Stan Street (arrived at 5:34 p.m.)

ABSENT

Councilman Jeff Martinez

2. Discussion and possible action concerning the litigation matter on Windtree, including discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. *Jernigan*

Attorney Jernigan stated that this is the same topic that was continued several times and final the old meeting was adjourned and a new meeting called. He said there was no need for executive session. He told the council that if they accept the offer that the lawsuit would go away. He said the council needs to decide if they want to sell and if so how much of the property they want to keep if any. He said there were some concerns about whether the city had the power to sell the property. He stated that under their Charter they do the only two restrictions are the county and city use and both would have to give up their rights of use. He said the developer needs a certain number of lots to make it profitable. Councilman D. Johnson asked if there was a firm sell price. Attorney Jernigan

stated that yes there was \$35,000 up front, the County would be paid the \$52,000 the County would then quit claim deed the property to the city the property would be re-platted and then for each lot developed the city would receive an additional \$500. He said there would be 50-55 lots developed. Councilman W. Johnson asked what would happen if the city did nothing. Attorney Jernigan stated that the lawsuit would still be there. Councilman W. Johnson said that in the past the council always received copies of lawsuits and requested a copy of this one. Attorney Jernigan stated that this lawsuit was filed back in 2002, before he came on board as the City Attorney. He told them that he could make them a copy but that it was several inches thick from all the proceedings that had taken place over the last 5 years. Councilwoman Blake asked if the city does not sell if they would have to pay the County. Attorney Jernigan stated that they would not but the lawsuit would continue. Councilman W. Johnson stated that he understood that Windtree had been given the opportunity to pay the taxes and take the land and they did not. He said that they are using city property that is to the North. Councilman Gossman stated that he felt they needed to get an appraisal. Councilman Shapiro also stated that he wanted to know how much the property was worth because he believed it was worth more than \$35,000. Attorney Jernigan stated that they needed to consider everything the \$35,000 the city would receive up front, the \$52,000 that would be paid to the County, and the \$500 per lot. The Mayor stated that the Supervisors stated that they did not need all the property. Councilman W. Johnson stated that could just go to court. Councilman Gossman stated that he did not think they could legally sell without an appraisal. Attorney Jernigan told the council that he could check with Mr. Hoyt who had done appraisals for the city in the past. He stated that he thought the cost would be around \$5,000 for the appraisal. Councilman W. Johnson asked if there had been any hazardous materials stored on the property. Councilwoman Olson said that the property was being used as a junk yard. Councilman W. Johnson stated that he thought they should settle the lawsuit if it could be done for \$20,000. Attorney Jernigan stated that in the past the council had authorized him to settle the lawsuit for \$20,000 but then when it came time to settle the council changed their mind.

Motion by Gossman, second by Blake to authorize the Attorney to seek an appraisal of the property. Poll vote: D. Johnson, yea; W. Johnson, yea; Blake, yea; Gossman, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

3. Adjournment.

Motion by Blake, second by Street to adjourn. D. Johnson, yea; W. Johnson, yea; Blake, yea; Gossman, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The meeting was adjourned at 6:19 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk